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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re:  PG&E CORPORATION,  - and -  PACIFIC GAS AND ELECTRIC COMPANY,  Debtors.	Bankruptcy Case  No. 19-30088 (DM)  Chapter 11  (Lead Case)  (Jointly Administered)  <b>MOTION OF CREDITOR GER HOSPITALITY, LLC PURSUANT TO FED. R. BANKR. P. 9023 FOR RECONSIDERATION OF APRIL 30, 2020 ORDER GRANTING MOTION TO EXPUNGE CLASS PROOF OF CLAIM (DOC. 7022)</b>
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**I. INTRODUCTION**

Creditor GER Hospitality, LLC (“GER”) hereby moves, pursuant to Federal Rule of Bankruptcy Procedure 9023 (incorporating Federal Rule of Civil Procedure 59(a) in bankruptcy proceedings), for reconsideration of the Court’s April 30, 2020 Order Granting Motion to

1 Expunge Class Proof of Claim (Doc. 7022) (the “Order”). By filing this motion within 14 days of  
2 the entry of the Order, GER tolls the time for filing any appeal from the Order until disposition of  
3 this motion. Fed. R. Bankr. P. 8002(b).

4 As indicated in the concurrently-filed Declaration of Francis O. Scarpulla (“Scarpulla  
5 Decl.”), the Court entered the Order expunging GER’s class claim before GER and the movants  
6 who filed the Motion to Expunge were able to present this Court with a stipulation (Exhibit A to  
7 Scarpulla Decl.) that resolved the issues raised by the movants in the Motion to Expunge.  
8 Accordingly, the Court may wish to reconsider the Order and allow GER’s class claim to proceed  
9 in accordance with the provision in the Stipulation.

## 10 **II. ARGUMENT**

### 11 **A. Reason for GER’s Motion**

12 Although the original moving parties do not believe it is appropriate for this Stipulation to  
13 cause this Court to reconsider its order expunging the class proof of claim, GER will leave that to  
14 this Court alone. Nevertheless, GER wishes to file this Stipulation in the event there is a  
15 subsequent appeal.

### 16 **B. Reconsideration for Cause is Appropriate**

17 The Court might wish to reconsider its decision to expunge GER’s class claim. A  
18 disallowed claim may be reconsidered for cause. 11 U.S.C. § 502(j); *In re Levoy*, 182 B.R. 827,  
19 831-832 (9th Cir. BAP 1995). A reconsideration motion filed within 14 days of entry of an order  
20 allowing or disallowing a claim is considered a motion for a new trial under Fed. R. Civ. P. 59(a).  
21 *In re Consol. Pioneer Mortg.*, 178 B.R. 222, 227 (9th Cir. BAP 1995); Fed. R. Bankr. P. 9023.  
22 The basis for reconsideration under Rule 59(a) includes “any of the reasons for which new trials  
23 have heretofore been granted in actions at law” and “any of the reasons for which rehearings have  
24 heretofore been granted in suits in equity.” Fed. R. Civ. P. 59(a).

### 25 **C. The Stipulation Establishes Cause for Reconsideration**

26 The stipulation attached as Exhibit A to the Scarpulla Decl. resolved all issues the moving  
27 party had with respect to GER’s class claim, and the Court might want to reconsider its decision  
28 on such class claim in light of the stipulation.

1           **D.      Ask the Trustee if a Class Claim Might be Useful.**

2           Should the Court be inclined to consider granting this motion, the Court may wish to  
3 consult with Judge Trotter, the newly-appointed Trustee of the Fire Victims' trust, if a class claim  
4 might be helpful at the conclusion of the regular claims process to provide compensation to any  
5 non-represented parties.

6           **III.     CONCLUSION**

7           For the above-stated reasons, GER respectfully suggests that this Court may wish to  
8 reconsider its order expunging the class proof of claim.

9           Dated: May 13, 2020

By: /s/ Francis O. Scarpulla  
Francis O. Scarpulla

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Attorneys for Creditors  
GER HOSPITALITY, LLC

1 **CERTIFICATE OF SERVICE**

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3 I, Francis O. Scarpulla, declare as follows:

4 I am a citizen of the United States and over the age of eighteen (18) years and not a party

5 to the within action. My business address is 456 Montgomery Street, 17<sup>th</sup> Floor, San Francisco,

6 CA 94014.

7 On May 13, 2020, I served document(s) described as:

8 **MOTION OF CREDITOR GER HOSPITALITY, LLC**

9 **PURSUANT TO FED. R. BANKR. P. 9023 FOR**

10 **RECONSIDERATION OF APRIL 30, 2020 ORDER**

11 **GRANTING MOTION TO EXPUNGE CLASS PROOF OF**

12 **CLAIM (Doc. 7022)**

13 on the interested parties in this action as follows:

14 ☐ BY MAIL: Service was accomplished by placing the document(s) listed above in a sealed

15 envelope with postage thereon fully prepaid, in the United States mail at San Francisco,

16 addressed as set forth above.

17 ☒ BY E-MAIL/NEF: Service was accomplished through the Notice of Electronic Filing

18 (“NEF”) for all parties and counsel who are registered ECF Users and those identified

19 below:

20 I declare under penalty of perjury under the laws of the United States of America that the

21 above is true and correct. This declaration was executed on May 13, 2020 at San Francisco,

22 California.

23 /s/ Francis O. Scarpulla

24 Francis O. Scarpulla

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